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Attorneys for Defendant: QUICK CAPITAL
FUNDING, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND
PLUMBING, INC., individually and
on behalf of all other similarly
situated,

Plaintiff,

v.

QUICK CAPITAL FUNDING LLC;
DOES 1 through 10, inclusive,

Defendants.

Case No.: 4:18-cv-03126 DRN

**ANSWER AND AFFIRMATIVE
DEFENSES OF DEFENDANT QUICK
CAPITAL FUNDING, LLC; AND
DEMAND FOR A JURY TRIAL**

Judge: Hon. Donna M. Ryu
Courtroom: 4
Complaint Filed: May 25, 2018
Trial Date: None

Defendant QUICK CAPITAL FUNDING, LLC (“CAPITAL FUNDING”),
by and through undersigned counsel, answers Plaintiff ABANTE ROOTER AND
PLUMBING’S (“Plaintiff”), individually and on behalf of all other similarly
situated, (“Plaintiff”) Complaint as follows:

1. Answering paragraph 1 of the Complaint, CAPITAL FUNDING
denies the allegations contained in paragraph 1 of the Complaint.

2. Answering paragraph 2 of the Complaint, CAPITAL FUNDING is
without sufficient information or knowledge to form a belief as to the truth of the

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1 allegations contained in paragraph 2 of the Complaint, and therefore denies the
2 allegations.

3 3. Answering paragraph 3 of the Complaint, CAPITAL FUNDING
4 admits that does business in the state of California. CAPITAL FUNDING is
5 without sufficient information or knowledge to form a belief as to the truth of the
6 remaining allegations contained in paragraph 3 of the Complaint, and therefore
7 denies the allegations.

8 4. Answering paragraph 4 of the Complaint, CAPITAL FUNDING is
9 without sufficient information or knowledge to form a belief as to the truth of the
10 allegations contained in paragraph 4 of the Complaint, and therefore denies the
11 allegations.

12 5. Answering paragraph 5 of the Complaint, CAPITAL FUNDING
13 denies the allegations contained in paragraph 5 of the Complaint.

14 6. Answering paragraph 6 of the Complaint, CAPITAL FUNDING
15 denies the allegations contained in paragraph 6 of the Complaint.

16 7. Answering paragraph 7 of the Complaint, CAPITAL FUNDING
17 denies the allegations contained in paragraph 7 of the Complaint.

18 8. Answering paragraph 8 of the Complaint, CAPITAL FUNDING is
19 without sufficient information or knowledge to form a belief as to the truth of the
20 allegations contained in paragraph 8 of the Complaint, and therefore denies the
21 allegations.

22 9. Answering paragraph 9 of the Complaint, CAPITAL FUNDING
23 denies the allegations contained in paragraph 9 of the Complaint.

24 10. Answering paragraph 10 of the Complaint, CAPITAL FUNDING
25 denies the allegations contained in paragraph 10 of the Complaint.

26 11. Answering paragraph 11 of the Complaint, CAPITAL FUNDING is
27 without sufficient information or knowledge to form a belief as to the truth of the
28 allegations contained in paragraph 11 of the Complaint, and therefore denies the

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1 allegations.

2 12. Answering paragraph 12 of the Complaint, CAPITAL FUNDING is
3 without sufficient information or knowledge to form a belief as to the truth of the
4 allegations contained in paragraph 12 of the Complaint, and therefore denies the
5 allegations.

6 13. Answering paragraph 13 of the Complaint, CAPITAL FUNDING is
7 without sufficient information or knowledge to form a belief as to the truth of the
8 allegations contained in paragraph 13 of the Complaint, and therefore denies the
9 allegations.

10 14. Answering paragraph 14 of the Complaint, CAPITAL FUNDING is
11 without sufficient information or knowledge to form a belief as to the truth of the
12 allegations contained in paragraph 14 of the Complaint, and therefore denies the
13 allegations.

14 15. Answering paragraph 15 of the Complaint, CAPITAL FUNDING is
15 without sufficient information or knowledge to form a belief as to the truth of the
16 allegations contained in paragraph 15 of the Complaint, and therefore denies the
17 allegations.

18 16. Answering paragraph 16 of the Complaint, CAPITAL FUNDING is
19 without sufficient information or knowledge to form a belief as to the truth of the
20 allegations contained in paragraph 16 of the Complaint, and therefore denies the
21 allegations.

22 17. Answering paragraph 17 of the Complaint, CAPITAL FUNDING is
23 without sufficient information or knowledge to form a belief as to the truth of the
24 allegations contained in paragraph 17 of the Complaint, and therefore denies the
25 allegations.

26 18. Answering paragraph 18 of the Complaint, CAPITAL FUNDING is
27 without sufficient information or knowledge to form a belief as to the truth of the
28 allegations contained in paragraph 18 of the Complaint, and therefore denies the

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1 allegations.

2 19. Answering paragraph 19 of the Complaint, CAPITAL FUNDING
3 denies the allegations contained in paragraph 19 of the Complaint.

4 20. Answering paragraph 20 of the Complaint, CAPITAL FUNDING is
5 without sufficient information or knowledge to form a belief as to the truth of the
6 allegations contained in paragraph 20 of the Complaint, and therefore denies the
7 allegations.

8 21. Answering paragraph 21 of the Complaint, CAPITAL FUNDING
9 denies the allegations contained in paragraph 21 of the Complaint.

10 22. Answering paragraph 22 of the Complaint, CAPITAL FUNDING
11 denies the allegations contained in paragraph 22 of the Complaint.

12 23. Answering paragraph 23 of the Complaint, CAPITAL FUNDING
13 denies the allegations contained in paragraph 23 of the Complaint.

14 24. Answering paragraph 24 of the Complaint, CAPITAL FUNDING
15 denies the allegations contained in paragraph 24 of the Complaint.

16 25. Answering paragraph 25 of the Complaint, CAPITAL FUNDING
17 denies the allegations contained in paragraph 25 of the Complaint.

18 26. Answering paragraph 26 of the Complaint, CAPITAL FUNDING
19 denies the allegations contained in paragraph 26 of the Complaint.

20 27. Answering paragraph 27 of the Complaint, CAPITAL FUNDING
21 denies the allegations contained in paragraph 27 of the Complaint.

22 28. Answering paragraph 28 of the Complaint, CAPITAL FUNDING
23 denies the allegations contained in paragraph 28 of the Complaint.

24 29. Answering paragraph 29 of the Complaint, CAPITAL FUNDING
25 denies the allegations contained in paragraph 29 of the Complaint.

26 30. Answering paragraph 30 of the Complaint, CAPITAL FUNDING
27 denies the allegations contained in paragraph 30 of the Complaint.

28 31. Answering paragraph 31 of the Complaint, CAPITAL FUNDING

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1 denies the allegations contained in paragraph 31 of the Complaint.

2 32. Answering paragraph 32 of the Complaint, CAPITAL FUNDING
3 denies the allegations contained in paragraph 32 of the Complaint.

4 33. Answering paragraph 33 of the Complaint, CAPITAL FUNDING
5 denies the allegations contained in paragraph 33 of the Complaint.

6 34. Answering paragraph 34 of the Complaint, CAPITAL FUNDING
7 denies the allegations contained in paragraph 34 of the Complaint.

8 35. Answering paragraph 35 of the Complaint, CAPITAL FUNDING
9 denies the allegations contained in paragraph 35 of the Complaint.

10 36. Answering paragraph 36 of the Complaint, CAPITAL FUNDING
11 denies the allegations contained in paragraph 36 of the Complaint.

12 37. Answering paragraph 37 of the Complaint, CAPITAL FUNDING
13 denies the allegations contained in paragraph 37 of the Complaint.

14 38. Answering paragraph 38 of the Complaint, CAPITAL FUNDING
15 denies the allegations contained in paragraph 38 of the Complaint.

16 39. Answering paragraph 39 of the Complaint, CAPITAL FUNDING
17 denies the allegations contained in paragraph 39 of the Complaint.

18 40. Answering paragraph 40 of the Complaint, CAPITAL FUNDING
19 denies the allegations contained in paragraph 40 of the Complaint.

20 41. Answering paragraph 41 of the Complaint, CAPITAL FUNDING
21 denies the allegations contained in paragraph 41 of the Complaint.

22 42. Answering paragraph 42 of the Complaint, CAPITAL FUNDING
23 denies the allegations contained in paragraph 42 of the Complaint.

24 43. Answering paragraph 43 of the Complaint, CAPITAL FUNDING
25 denies the allegations contained in paragraph 43 of the Complaint.

26 44. Answering paragraph 44 of the Complaint, CAPITAL FUNDING
27 denies the allegations contained in paragraph 44 of the Complaint.

28 45. Answering paragraph 45 of the Complaint, CAPITAL FUNDING

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denies the allegations contained in paragraph 45 of the Complaint.

46. Answering paragraph 46 of the Complaint, CAPITAL FUNDING denies the allegations contained in paragraph 46 of the Complaint.

47. Answering paragraph 47 of the Complaint, paragraph 47 makes no allegation directed toward CAPITAL FUNDING and as such needs no response.

48. Answering paragraph 48 of the Complaint, CAPITAL FUNDING denies the allegations contained in paragraph 48 of the Complaint.

49. Answering paragraph 49 of the Complaint, CAPITAL FUNDING denies the allegations contained in paragraph 49 of the Complaint.

50. Answering paragraph 50 of the Complaint, CAPITAL FUNDING denies the allegations contained in paragraph 50 of the Complaint.

51. Answering paragraph 51 of the Complaint, paragraph 51 makes no allegation directed toward CAPITAL FUNDING and as such needs no response.

52. Answering paragraph 52 of the Complaint, CAPITAL FUNDING denies the allegations contained in paragraph 52 of the Complaint.

53. Answering paragraph 53 of the Complaint, CAPITAL FUNDING denies the allegations contained in paragraph 53 of the Complaint.

54. Answering paragraph 54 of the Complaint, CAPITAL FUNDING denies the allegations contained in paragraph 54 of the Complaint.

55. Answering paragraph 55 of the Complaint, paragraph 55 makes no allegation directed toward CAPITAL FUNDING and as such needs no response.

56. Answering paragraph 56 of the Complaint, CAPITAL FUNDING denies the allegations contained in paragraph 56 of the Complaint.

57. Answering paragraph 57 of the Complaint, CAPITAL FUNDING denies the allegations contained in paragraph 57 of the Complaint.

58. Answering paragraph 58 of the Complaint, CAPITAL FUNDING denies the allegations contained in paragraph 58 of the Complaint.

59. Answering paragraph 59 of the Complaint, paragraph 59 makes no

allegation directed toward CAPITAL FUNDING and as such needs no response.

60. Answering paragraph 60 of the Complaint, CAPITAL FUNDING denies the allegations contained in paragraph 60 of the Complaint.

61. Answering paragraph 61 of the Complaint, CAPITAL FUNDING denies the allegations contained in paragraph 61 of the Complaint.

62. Answering paragraph 62 of the Complaint, CAPITAL FUNDING denies the allegations contained in paragraph 62 of the Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(FAILURE TO STATE A CAUSE OF ACTION)

The Complaint fails to state facts sufficient to constitute a cause of action against CAPITAL FUNDING.

SECOND AFFIRMATIVE DEFENSE

(ESTOPPEL)

Plaintiff, by its own acts and/or omissions, is estopped from recovering at all against CAPITAL FUNDING.

THIRD AFFIRMATIVE DEFENSE

(CONSENT)

Plaintiff, by its own words and conduct, consented to the alleged contacts by CAPITAL FUNDING

FOURTH AFFIRMATIVE DEFENSE

(LACK OF STANDING)

Plaintiff lacks standing to bring this lawsuit against CAPITAL FUNDING.

FIFTH AFFIRMATIVE DEFENSE

(STATUTES OF LIMITATION)

Plaintiff's causes of action, and each of them, are barred by the applicable statutes of limitation.

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SIXTH AFFIRMATIVE DEFENSE

(FAILURE TO MITIGATE DAMAGES)

CAPITAL FUNDING denies that Plaintiff has been damaged in any sum or sums, but to the extent Plaintiff has been damaged, those damages should be reduced based on his failure to mitigate.

SEVENTH AFFIRMATIVE DEFENSE

(UNCLEAN HANDS)

Plaintiff is barred from presenting his claims before the court based on the doctrine of unclean hands.

EIGHTH AFFIRMATIVE DEFENSE

(LACHES)

Plaintiff's claims are barred by the doctrine of laches.

NINTH AFFIRMATIVE DEFENSE

(INTERVENING OR SUPERSEDING CAUSE)

The damages that Plaintiff claims to have suffered was caused or made worse by an event that occurred after the incident complained of.

TENTH AFFIRMATIVE DEFENSE

(LACK OF DAMAGES)

Plaintiff's claims are barred in that he has not been damaged.

ELEVENTH AFFIRMATIVE DEFENSE

(WAIVER)

Plaintiff's claims are barred based on the doctrine of waiver.

TWELFTH AFFIRMATIVE DEFENSE

(JOINDER)

Plaintiff has failed to join indispensable parties with which a full, complete and equitable adjudication can be made in this action.

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THIRTEENTH AFFIRMATIVE DEFENSE

(ACTS OF OTHER PARTIES)

CAPITAL FUNDING alleges that, if it is subject to any liability by Plaintiff herein, it will be due in whole or in part to the acts and/or omissions of other parties, or parties unknown at this time, and any recovery obtained by Plaintiff should be barred or reduced according to law, up to and including the whole thereof.

FIFTEENTH AFFIRMATIVE DEFENSE

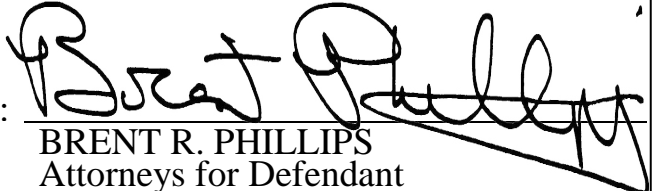
(ABSENCE OF NECESSARY PARTIES)

The purported claims and causes of action alleged by Plaintiff require, for their complete adjudication, the joining of additional, necessary or indispensable parties, with whom the purported claims and causes of action cannot be fully, finally and completely resolved.

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DATED: August 15, 2018

Bv:


BRENT R. PHILLIPS
Attorneys for Defendant
QUICK CAPITAL FUNDING, LLC

DEMAND FOR A JURY TRIAL

PLEASE TAKE NOTICE that Defendant QUICK CAPITAL FUNDING, LLC hereby demands a trial by jury in this action.

PHILLIPS LAW CORPORATION

DATED: August 15, 2018

Bv:


BRENT R. PHILLIPS
Attorneys for Defendant
QUICK CAPITAL FUNDING, LLC

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CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is PHILLIPS LAW CORPORATION, 801 Parkcenter Drive, Suite 801, Santa Ana, California 92705.

On August 15, 2018, I served by electronic service through the United States District Court for the Northern District of California's CM/ECF electronic filing system to the following parties:

Todd M. Friedman, Esq. Adrian R. Bacon, Esq. Meghan E. George, Esq. LAW OFFICES OF TODD M. FRIEDMAN, P.C. Woodland Hills, CA 91367 Tel: (877) 206-4741	Attorneys for Plaintiff ABANTE ROOTER AND PLUMBING, INC., individually and on behalf of all other similarly situated
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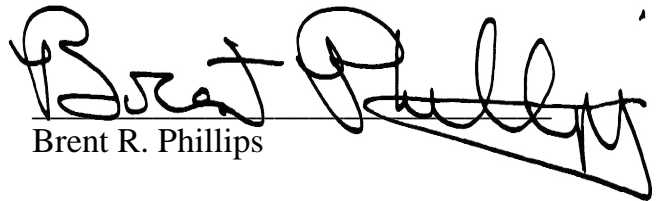
the following document(s) listed below:

**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT QUICK
 CAPITAL FUNDING LLC; AND DEMAND FOR A JURY TRIAL**

☐ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ [Federal] I declare that I am employed in the office of a member of the bar of this Court at which direction the service was made.

Executed on August 15, 2018, at Santa Ana, California.


 Brent R. Phillips